

Appl. No. 09/832,435
Resp. dated Oct. 12, 2005
In Reply to Office Action of Jul. 12, 2005

REMARKS

Claims 1-24 are pending. Claims 1, 2, 9-17 and 19-24 are allowed. Claims 4-8 stand objected to. Claims 3 and 18 stand rejected.

Patentable Subject Matter

Applicant gratefully acknowledges the indication by the Examiner that claims 1, 2, 9-17 and 19-24 are allowed. Furthermore, Applicant further acknowledges with appreciation the determination by the Examiner that claims 4-8 recite patentable subject matter.

Claims 4-8

Claims 4-8 stand objected to as being dependent from a rejected based claim (i.e., claim 3). It is respectfully submitted that claims 4-8 are in condition for allowance in view of the remarks herein.

Claim 3

Claim 3 stands rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,510,248 B1 ("Hsieh"). Applicant respectfully traverses the rejection.

Claim 3 recites, in part, "a plurality of phase synchronizers associated with a corresponding plurality of potential phases of said codeword". It is respectfully submitted that Hsieh does not describe at least these elements. Instead, Hsieh describes Code Comparators 1-6 disposed between a shifter and a code type arbitrator. See, e.g., FIG. 2 of Hsieh. The Code Comparators do not correspond with a plurality of potential phases of a codeword.

In the text cited in the Office Action, Hsieh describes outputting an unmodified 16-bit data stream (unmodified code word) and five additional modified data streams. In other words, each Code Comparator receives a different code word and not potential phases of a particular code word. The code words received by each Code Comparator are different because the shifter has reset a first portion of bits to zero, if applicable, for respective Code Word Comparators. See, e.g., col. 8, lines 48-54 of Hsieh. (For a definition of a "first portion" according to Hsieh, see, e.g., the paragraph beginning at col. 6, line 27 of Hsieh). These are not *different phases* of the same codeword, but actually *different code words of possibly variable length* due to the forced reset of the first portions. According to Hsieh, a compressed code statically remains defined as a particular code pattern and most of the code patterns have different lengths. Hsieh

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lists five code patterns, i.e., Code Word Pattern 1-4. See, e.g., col. 7, line 54 to col. 8, line 43 of Hsieh. A compressed code in Hsieh is not one code pattern at one moment in time and then another code pattern at another moment in time. The invention of Hsieh, a run-length decoder as illustrated in FIG. 2, does not know which of the five code patterns, the particular code word is so the shifter forces the particular code word into five different code words by resetting the different first portions of the code words. The reset first portions are different depending upon the assumptions of the Code Word Comparators. These are not *phases* of the particular code word. A particular code word will always be only one of the five code patterns according to Hsieh. Instead, these are forced assumptions on the data that generate new code words. If the forced assumption on the first assumption is correct as confirmed by testing the second portion, then the run-length decoder knows which type (i.e., Code_Word_Pattern_0, Code_Word_Pattern_1, Code_Word_Pattern_2, Code_Word_Pattern_3 or Code_Word_Pattern_4) of code word the particular code word is and thus knows the particular length of the code word. If one of the five new code words is verified in a table by the Code Comparator, then a respective current_is_code signal is made active. Thus, it is respectfully submitted that Hsieh describes Code Comparators and not phase synchronizers as set forth in claim 3.

For at least the above reasons, it is respectfully submitted that Hsieh does not describe at least "a plurality of phase synchronizers associated with a corresponding plurality of potential phases of said codeword". Accordingly, it is respectfully requested that the anticipation rejection be withdrawn with respect to claim 3.

Claim 18

Claim 18 stands rejected under 35 U.S.C. § 103(a) as being obvious over Hsieh. Applicant respectfully traverse the rejection.

Claim 18 depends from claim 3. With respect to claim 3, Hsieh does not teach or suggest at least "a plurality of phase synchronizers associated with a corresponding plurality of potential phases of said codeword". Applicant respectfully draws the attention of the Examiner to the discussion above with respect to claim 3. For at least the above reasons, Hsieh does not render obvious the subject matter as set forth in claim 3 and its rejected dependent claim (i.e., claim 18).

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Furthermore, the Office Action alleges, without any supporting evidence, that "incorporating an error correction in Hsieh for carrying out error correction operation on said codeword using error correction information from said plurality of comparators (phase synchronizers) would have been obvious to one skill in the art". Office Action at page 3.

Applicant respectfully challenges the conclusory assertions made in the Office Action without any supporting evidence that the elements recited in claim 18 are well known or obvious in the art. Applicant respectfully submits that the elements recited in claim 18 are not well known or obvious, for example, in the context of the subject matter as set forth in claim 3 from which claim 18 depends. Applicant respectfully submits that, for example, in the context of the elements as recited in independent claim 3, the elements in dependent claim 18 are not well known or obvious. In fact, Hsieh teaches away from "carrying out an error correction operation on said codeword" as recited in claim 18. Instead, Hsieh teaches a line-based compression rule so that "if a code is corrupted, it will be contained in the line containing the same. The entire line will be ignored, but the rest of the image data is designed to remain unaffected." Col. 1, lines 46-53 of Hsieh. So instead of error correction, Hsieh simply ignores corrupted code words. Teaching away from the claimed invention is a significant factor to be considered in determining obviousness. See, e.g., M.P.E.P. § 2145(X)(D)(1).

Moreover, in order to maintain the obviousness rejection, Applicant respectfully requests that references be produced in support of the Office Action's contention or, if the Examiner is relying upon personal knowledge to support the finding of what is known in the art, then the Examiner must provide an affidavit or declaration setting forth specific factual statements and explanations to support the finding. See, e.g., M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

It is therefore respectfully requested that the obviousness rejection be withdrawn with respect to claim 18.

FROM McANDREWS, HELD, & MALLOY

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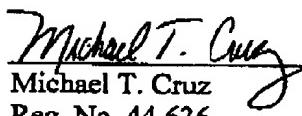
Conclusion

In view of at least the foregoing, it is respectfully submitted that claims 1-24 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

Please charge any required fees not paid herewith or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Dated: October 12, 2005

Respectfully submitted,


Michael T. Cruz
Reg. No. 44,636

McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8084
Facsimile: (312) 775-8100